



A C WHARTON, JR. - Mayor
GEORGE M. LITTLE - Chief Administrative Officer
DIVISION OF HOUSING & COMMUNITY DEVELOPMENT
ROBERT LIPSCOMB - Director

TENNESSEE

March 24, 2011

Ms. Mary Wilson, Director
Community Planning and Development Division
U.S. Department of Housing and Urban Development
Knoxville Field Office, Region IV
710 Locust Street, Suite 300
Knoxville, TN 37902-2526

Re: City of Memphis CDBG Disaster Recovery Action Plan

Dear Ms. Wilson:

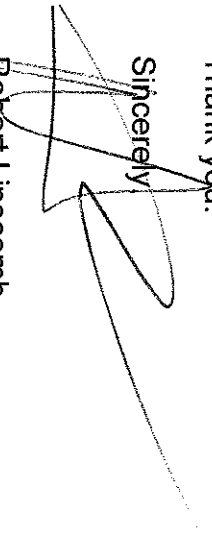
Please find enclosed an original and two (2) copies of the City of Memphis' CDBG Disaster Recovery Action Plan. Activities funded under the NSP3 program include administration, planning, repairs to failed dams, and infrastructure.

Notice of the availability of the draft substantial amendment on the City of Memphis website and at the offices of Housing and Community Development was published in the Commercial Appeal on Friday, March 18, 2011. The public comment period ran from March 18, 2011 through March 23, 2011. No comments were received.

I look forward to the continuation of our partnership to the benefit the City of Memphis, its neighborhoods, and citizens. If you have any questions or require additional information, please call me at 576-7307.

Thank you.

Sincerely


Robert Lipscomb

cc: A C Wharton, Jr, Mayor
George M. Little, Chief Administrative Officer

THE CITY OF MEMPHIS, TENNESSEE

ACTION PLAN FOR DISASTER RECOVERY

Proposed Uses of Supplemental CDBG Disaster Recovery
Grant Funding Authorized by the Supplemental
Appropriations Act 2010
(Public Law 111-212)

Through the U.S. Department of Housing and Urban Development
Docket No. FR-5452-N-01
[Federal Register: November 10, 2010 (Volume 75, Number 217)]

March 24, 2011

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INTRODUCTION

In July 2010, Congress passed the Supplemental Appropriations Act, 2010 (Public Law 111-212), which provides Community Development Block Grant (CDBG) funding for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization in areas affected by severe storms and flooding that occurred from March 2010 through May 2010, for which the President declared a Disaster Area. The U.S. Department of Housing and Urban Development (HUD) published a Notice of allocations, waivers, and alternative requirements for the CDBG disaster recovery funds in the Federal Register, Volume 75, Number 217, Docket Number FR-5452-N-01, effective November 15, 2010.

The City of Memphis received an initial allocation of \$2,031,831 of CDBG disaster recovery funds. On February 11, 2011, HUD announced that Memphis was to receive an additional allocation of \$4,232,594 of CDBG disaster recovery funds. The combined total of the Disaster Recovery Grant allocation provided to Memphis is \$6,264,239. As required by HUD, this Action Plan describes the proposed use of funds for addressing unmet housing, infrastructure, and economic revitalization needs in Memphis, Tennessee as a result of the May flood. This Proposed Action Plan describes:

- the effects of the flood and Memphis' recovery needs;
- activities for which funding may be used;
- the citizen participation process; and
- grant administration standards.

The Memphis Division of Housing and Community Development has been designated to act as the lead agency responsible for the development and administration of Memphis' Consolidated Plan and entitlement programs (CDBG, HOME, HOPWA, and ESG) and will serve as the lead agency as relates to the preparation and submission of this Proposed Action Plan.

THE EFFECT OF THE DISASTER & MEMPHIS' RECOVERY NEEDS

On May 1 and 2, 2010, West Tennessee experienced unprecedented rainfall which caused extensive flooding and damage throughout Memphis, Shelby County. As a result, President Obama declared Shelby County a Federal Disaster Area on May 4, 2010 (FEMA Declaration Number: FEMA-1909-DR-TN). Damage to public buildings and infrastructure was estimated at \$644,690. Damages to private property was estimated at \$1,660,334.

Damage to public buildings and infrastructure was reported throughout Memphis, Shelby County. The City of Memphis Traffic Engineer Sign Shop sustained significant damage; the Police Services Indoor and Outdoor Firing Ranges sustained moderate damage and the Memphis Zoo Administration Building, North Frayser and Cunningham Community Centers sustained minimal equipment and facility damage.

Areas Affected by the Disaster

- Over 300 reports of street flooding were received between May 1 and 2, 2011. Sections of several main thoroughfares had to be temporarily closed. In downtown Memphis, the City's Gayoso Pumping Station failed and flooding occurred in City Hall.
- About 104 residential properties were reported to have experienced significant flooding.
- Numerous lakes located in subdivisions over Memphis flooded causing dams and levees to overflow onto nearby streets and into some homes. FEMA has instituted its Phase I buy-out program which, as of early February 2011, has received 97 applications for assistance from homeowners reporting flood damages.

Greatest Unmet Recovery Needs

The torrential rainfall from the May storms, exacerbated Memphis' problems with storm-water run-off. The City is currently working with Shelby County government to up-date the Hazard Mitigation Plan that list and establishes priorities for hazard mitigation projects over the next five-year period.

The Memphis City Council directed the commission of a study of the Lick Creek Basin to determine feasible alternatives to the location of water detention systems and other solutions for flooding problems that have plagued mid-town Memphis for close to 50 years. The May 2010 storms focused the need to develop projects that would provide short and long-term disaster occurrences.

In response to the disaster recovery grant allocation, the Mayor's office, City Council, Divisions of Housing & Community Development, Public Works and Engineering have directed energies toward determining where unmet needs exist. Consideration was given to requests for assistance from homeowner associations where subdivisions experienced overflow of lakes and breaks in dams/levees from the storms.

The reported damages to homes were not as widespread as damages to the City's infrastructure. In assessing unmet needs, it was concluded that the assistance from FEMA was sufficient based upon the applications for assistance received to date from eligible homeowners whose homes were damaged by flooding from the May 2010 storms.

Federal, State, and Other Disaster Responses

The response of federal, state, and local agencies was immediate. The declaration of Shelby County as a Federal Disaster Area within days of the flood made Memphis, Shelby County eligible for federal assistance, and FEMA opened two disaster recovery centers in Memphis, Shelby County at the City of Memphis Ed Rice and Hollywood Community Centers. Memphis and Shelby County Emergency Management Agency (EMA) initiated the operation of its emergency command center immediately and coordinated efforts with the Divisions of Public Works, Engineering, Police, Fire, Memphis Light, Gas and Water, and the Red Cross, during the week following the disaster.

Ongoing Damage Assessment

Staff from the Divisions of Public Works and Engineering assessed the condition of Memphis' infrastructure system, with particular emphasis on roadways, underpasses and bridges. The Drain Maintenance Department surveyed drainage and other waterway systems. Public Works and Engineering worked with the Division of Housing and Community Development to prepare a map that would show parcels, roads, and other facilities that were impacted by the flood.

As this Action Plan is being developed, the Mayor's Office, City Council, Divisions of Housing & Community Development, Public Works and Engineering are reviewing gaps in response to unmet needs resulting from the disaster. While the proposed Action Plan seeks to meet Memphis' most immediate and urgent needs, the full scope of infrastructure needs is an on-going task that may lead to future amendments to this plan.

PLAN FOR DISASTER RECOVERY

The activities listed below illustrate Memphis' efforts to utilize short- and long-term recovery planning efforts:

Short-Term Recovery Planning

- Create a central point for information regarding advice and support for person, businesses and others seeking assistance;
- Enhance Memphis' working relationship with FEMA and the Tennessee Department of Environment and Conservation to better coordinate disaster response plans;
- Examine the City's response to the immediate needs of those temporarily or permanently displaced, or relocated from disasters;
- Review the City's ability to expedite the building permit process; and
- Seek input from citizens and local government officials regarding the use and methods for distributing CDBG disaster recovery grant funds.

Long -Term Recovery Planning

- Provide for the long-term stability of affected neighborhoods through efforts to repair infrastructure;
- Participate in regional planning efforts to address recovery and continue to work with other jurisdictions on current initiatives; and
- Develop and use engineering design approaches that will protect watersheds and are up to date in response to current flood conditions and storm-water management techniques.

Leveraging Other Funds

Memphis will use other funding sources to leverage the CDBG disaster recovery funds such as Capital Improvement funds, tax increment financing and City Storm Water fees. The City is expending funds for the completion of a study on Flooding and Drainage in the Lick Creek Basin.

Homeowner associations who have requested assistance with repairs to dams/levees must use funds from private sources (personal loans, or money derived from fees) to assist with repairs.

Encouragement of High-Quality, Durable, Energy Efficient, Sustainable, and Mold Resistant Construction Methods

Memphis and Shelby County governments have adopted the 2003 International Residential Building Code, and it is the responsibility of the Memphis and Shelby County Construction Code Enforcement Department to provide permitting, inspection, and enforcement services. A building permit is required before repairs can be made to flood-damaged homes and buildings. To assist homeowners and contractors with repairing flood damaged homes, the Memphis and Shelby County Construction Code Enforcement Department offers an expedited review and approval process for permit applications for homes and non-residential structures damaged by disaster.

Encouragement of Adequate, Flood-Resistant Housing for All Income Groups in the Disaster-Affected Areas

The City of Memphis encourages the provision of adequate, flood resistant housing through its permitting process, codes enforcement, and land use policies. The City will promote the availability of FEMA and the disaster recovery grant funds to all eligible individuals and families impacted by the flood who have unmet housing needs. The City addresses the need of homeless families and individuals through its emergency and transitional housing programs funded in its Continuum of Care; and Memphis' Consolidated Plan. Memphis' Homeless Management Information System (HMIS), assesses the needs of individuals and families and link them to available services. In addition to providing housing and supportive services to members of the homeless population impacted by disasters such as the May 2010 floods, the Consolidated Plan also provides programs and services to meet a variety of low- and moderate-income housing needs as well as those of special needs populations.

MONITORING STANDARDS AND PROCEDURES

The Memphis Division of Housing and Community Development (HCD) will provide oversight for all activities and expenditures of the Disaster Recovery Funds. To maintain a high level of transparency and accountability, HCD will apply its strategy for monitoring projects funded through this Action Plan consistent with its monitoring of projects funded in its Consolidated Plan. The primary purpose of HCD's monitoring strategy is to ensure that all projects comply with applicable federal regulations and are effectively meeting their stated goals. The monitoring process focuses on program and financial compliance and will include project reviews and onsite monitoring by HCD staff and independent auditors where required. The results of monitoring activities will be reported to the Director of HCD.

Section 312 of the Robert T. Stafford Disaster Assistance and Emergency Relief Act (42 V.S.C. 5155), as amended, prohibits any person, business concern, or other entity from receiving financial assistance with respect to any part of a loss resulting from a major disaster as to which that person has received financial assistance under any other program or from insurance or from any other source. CDBG disaster recovery funds will not be used for activities for which funds have been received (or will be received) from FEMA; the SBA; other local, state, or federal programs; insurance; or recovery support from private charity organizations. However, CDBG funds may be used to provide assistance to the extent that a disaster recovery need has not been met by other sources. Applicants for assistance will be required to disclose all sources of assistance received or to be received.

MITIGATING FRAUD, ABUSE, AND MISMANAGEMENT

All activities must be conducted in compliance with applicable CDBG rules and regulations, as well as other applicable federal regulations such as OMB Circulars A-87, A-133, and 24 CFR Part 85 (Uniform Administrative Requirements). In the event that subrecipients are awarded \$500,000 or more in federal funding, the entity will be required to submit an audit in accordance with OMB Circular A-133.

Efforts to mitigate fraud, abuse, and mismanagement include regular monitoring of activities, as described. HCD's Accounting Department will assist the Compliance and Monitoring Department in reviewing expenditures, while independent auditors will audit activities for program and financial compliance. HCD reserves the right to take appropriate action in instances of non-compliance, fraud, and mismanagement including, but not limited to, disallowing ineligible costs, terminating contracts/agreements, and requiring repayment of funds.

As required under the Notice, HCD will submit quarterly reports to HUD through the Disaster Recovery Grant Reporting (DRGR) system no later than 30 days following each calendar quarter. Within three days of submission of each quarterly report to HUD, Memphis will post the report on its website for public review.

PROJECTED USES OF FUNDS

Methodology for Allocating Grant Resources and Relative Importance of the Project

The following projects are being proposed for the use of Memphis' allocation of the initial and additional allocation of disaster recovery grant funds. Factors

considered in selecting the activities represent the City's desire to respond to the urgent and immediate need to respond to critical infrastructure problems facing a large areas of Memphis and homeowners needing assistance with the rehabilitation of privately-owned properties.

Activity 1 – Administration of Grant: As provided in the *Notice*, Memphis proposes to allocate 5% of the total grant award to cover all administrative costs associated with the implementation of all proposed activities funded through the Disaster Recovery Grant award.

Threshold criteria: Funds will be limited to the cost of administering the Disaster Recovery Grant.

Grant Size Limits: Five per cent (5%) of the total grant award (not to exceed \$313,212).

Responsible Entities: City of Memphis Engineering, City of Memphis Public Works, City of Memphis Housing and Community Development

Geographic Areas: The Lick Creek Basin, Sky Lake Dam, Scenic Hills Dam and Carrollwoods Lake Dam (see attached map)

Activity 2 – Planning: As provided for in the *Notice*, Memphis proposes to allocate \$500,000 for project specific planning activities. In addition to providing long-term community development efforts, these planning funds will be used exclusively for public infrastructure projects proposed in this Action Plan.

Threshold criteria: Planning funds will be used to assist with design and engineering studies and projects that will be proposed as additional site that will mitigate flooding potential within the Lick Creek Basin area of Memphis.

Grant Size Limits: The *Notice* allows for up to 15% of the total grant allocation for planning activities. Memphis proposes to allocated \$500,000 for the reimbursement of planning costs incurred since the date of the flood – May 1, 2010.

Responsible Entities: City of Memphis Engineering, City of Memphis Public Works, City of Memphis Housing and Community Development

Geographic Areas: Lick Creek Basin (see attached map)

Activity 3 – Repair of three (3) failed dams/levees/spillways located on lakes within three (3) private subdivisions:

As mentioned previously, the City of Memphis received numerous calls and complaints from residents regarding street flooding. In addition, the City received specific requests for assistance from three (3) homeowner associations for assistance with repairs to dams/levees that were damaged as a result of the May 2010 storms. A total of approximately 2,643 families reside within the three subdivisions impacted by the storm which resulted in the flooding of locales immediate to the broken dams.

- ♦ The City is proposing to assist the Sky Lake, Carrollwoods Lake and Scenic Lakes subdivisions with the costs of repairs of dams by allocating Disaster Recovery Grant funding for this activity. Grants to the homeowner associations will be provided for repairs to dams/levees that meet the permit and approval standards of the Tennessee Department of Environment Conservation (TDEC) which inspects dams and regulates the issuance of permits pertaining to certification of dam safety and approval.

Threshold criteria:

- ♦ Funds will be used only for the reimbursement of costs associated with the rehabilitation of privately owned property, that in this case is represented by damaged dams/levees on lakes within the City of Memphis that were impacted by the storms of May 2010.
- ♦ Application for assistance must be from an eligible applicant as provided under Section 105(a)(4) of the Housing and Community Development Act of 1974.
- ♦ Applicant must have an identified need that has not been met through FEMA, SBA, insurance, or private donation.

Grant Size Limits: The total allocation proposed for the provision of financial assistance with repairs/rehabilitation of private property is \$450,000. The amount of assistance is designed to provide a maximum 4 (federal):1 (private) match (not to exceed \$150,000). As a basis for receiving the maximum level of assistance, consideration will be given to need and to those subdivisions where at least 50% of the area residents may be categorized as low-moderate income in accordance with the available U.S. Census data.

Responsible Entities: City of Memphis Engineering, City of Memphis Public Works, City of Memphis Housing and Community Development, Tennessee Department of Environment and Conservation, Sky Lake, Carrollwoods Lake and Scenic Lakes Homeowner Associations

Geographic Areas: Sky Lake Dam, Scenic Hills Dam and Carrollwoods Lake Dam (see attached map)

Activity 4 - Infrastructure (Lick Creek Basin)

According to the 2000 Census, the population of the Lick Creek Basin at the start of the decade was 53,355 persons and 12,232 families. Comprising 5.5 square miles, the Lick Creek Basin has historically created severe problems with street flooding, damages to homes and storm-water run-off problems over the last 50 years. The May 2010 storms and the allocation of disaster recovery grant funding enabled the City to elevate its response to the problems brought by the growth in storm-water run-off and antiquated drainage systems.

Proposed Projects – Construction of Detention Ponds and Other Systems

1. Acquisition of land and construction of a underground detention system that would improve the existing drainage system within the Lick Creek Basin by increasing the storm water run-off capacity. This activity is in response to flooding caused by the May 2010 storms, re-occurring flooding and the system's inadequate storm-water detention capacity.
2. Construction of additional sites within the Lick Creek Basin that will further improve the existing storm-water drainage and detention system

Threshold criteria: The remaining \$5,001,027 in Disaster Recovery Grant funds will only be used for projects that are identified in the Lick Creek Flooding and Drainage Review as being candidates for stormwater management opportunities.

Grant Size Limits: The \$5,001,027 will be used for publicly owned, public infrastructure improvements.

Responsible Entities: City of Memphis Engineering, City of Memphis Public Works, City of Memphis Housing and Community Development

Geographic Areas: Lick Creek Basin (see attached map)

Eligible Uses of Grant Funds as Related to Long-Term Recovery from Specific Effects of the Disaster, and the Restoration of Infrastructure

The infrastructure activities proposed in the Action Plan will contribute to the long-term recovery of the restoration of infrastructure and economic revitalization by:

- Reducing the threat to the health and safety of residents in the event of future flood-related disasters;
- Enhancing the City's existing storm water management system;

- Leveraging private investment in a flood-impacted area suffering from disinvestment.

CITIZEN PARTICIPATION PROCESS

The City of Memphis support and encourage citizen participation in the development of the Disaster Recovery Action Plan. Concerns and or comments expressed by citizens who choose to participate in the planning process will be incorporated into this Action Plan. The City will receive public comments on the Action Plan starting Thursday, March 17, 2011, through the end of business on Wednesday, March 23, 2011 at 5:00 P.M. central time.

Prior to its submission to the U.S. Department of Housing and Urban Development, members of the public are invited to view the draft Action Plan during normal business hours of 8:30 A.M. to 5:00 P.M., central time, Monday through Friday, at the Memphis Division of Housing and Community Development, 701 North Main Street, Memphis, Tennessee 38107. The draft Plan will also be available for review on the City of Memphis website at <http://www.memphistn.gov>. Notice that the draft was available on the City's website was published in the Commercial Appeal on March 17, 2011.

Written comments may be submitted electronically to don.campbell@memphistn.gov or mailed to the following address:

City of Memphis
Division of Housing and Community Development
701 North Main Street
Memphis, Tennessee 38107.
Attention: Don Campbell

Following the public comment period, the Action Plan will be updated and submitted to HUD on or before March 25, 2011. Comments received and HCD's responses will be included in the Appendix "C" Public Comments and Responses.

AMENDMENTS TO THE ACTION PLAN

The following events will be considered substantial amendments to the Action Plan for Disaster Recovery:

- The addition or deletion of any activity presented in the Action Plan;
- A change in the plan beneficiary

- The implementation of an additional HUD-authorized "waiver" of any major programmatic rules or regulations; and
- Any action that HUD deems to be a significant amendment that needs public input prior to enacting.

For substantial amendments, the Division of Housing and Community Development (HCD) will follow the same procedures for public notice as described herein. Following the public notice period, proposed amendments will then be submitted to the HUD Knoxville Field Office for review. For minor amendments, HCD will notify the HUD Knoxville Field Office.

APPENDIX B

PUBLIC COMMENTS

No public comments were received.

SF 424 and CERTIFICATIONS

APPLICATION FOR FEDERAL ASSISTANCE

OMB Approved No. 3076-0006

Version 7/03

1. TYPE OF SUBMISSION: Application <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction <input checked="" type="checkbox"/>		2. DATE SUBMITTED		3. DATE RECEIVED BY STATE		4. DATE RECEIVED BY FEDERAL AGENCY		Applicant Identifier		State Application Identifier	
5. APPLICANT INFORMATION Legal Name: City of Memphis		6. EMPLOYER IDENTIFICATION NUMBER (EIN): [6][2]-[6][0][0][3][6][4][1]		7. TYPE OF APPLICANT: (See back of form for Application Types) Municipal <input checked="" type="checkbox"/> Other (specify) <input type="checkbox"/>		8. TYPE OF APPLICATION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision <input type="checkbox"/> (If Revision, enter appropriate letter(s) in box(es). See back of form for description of letters.)		9. NAME OF FEDERAL AGENCY: U.S. Department of Housing and Urban Development		10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: [1][4]-[2][1][8]	
11. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.): City of Memphis		12. ESTIMATED FUNDING:		13. PROPOSED PROJECT Start Date: June 1, 2011 Ending Date: May 31, 2014		14. CONGRESSIONAL DISTRICTS OF: a. Applicant 9 b. Project 9		15. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? a. Yes <input type="checkbox"/> b. No <input checked="" type="checkbox"/>		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? a. Yes <input type="checkbox"/> b. No <input checked="" type="checkbox"/>	
17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?		18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.		19. IS APPLICATION/PREAPPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW? a. Yes <input type="checkbox"/> b. No <input checked="" type="checkbox"/>		20. IS APPLICATION/PREAPPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW? a. Yes <input type="checkbox"/> b. No <input checked="" type="checkbox"/>		21. IS APPLICATION/PREAPPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW? a. Yes <input type="checkbox"/> b. No <input checked="" type="checkbox"/>		22. IS APPLICATION/PREAPPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW? a. Yes <input type="checkbox"/> b. No <input checked="" type="checkbox"/>	
23. AUTHORIZED REPRESENTATIVE Prefix: AC First Name: Middle Name: Last Name: Wharton		24. AUTHORIZED REPRESENTATIVE Prefix: AC First Name: Middle Name: Last Name: Wharton		25. AUTHORIZED REPRESENTATIVE Prefix: AC First Name: Middle Name: Last Name: Wharton		26. AUTHORIZED REPRESENTATIVE Prefix: AC First Name: Middle Name: Last Name: Wharton		27. AUTHORIZED REPRESENTATIVE Prefix: AC First Name: Middle Name: Last Name: Wharton		28. AUTHORIZED REPRESENTATIVE Prefix: AC First Name: Middle Name: Last Name: Wharton	
29. SIGNATURE OF AUTHORIZED REPRESENTATIVE Mayor: [Signature]		30. SIGNATURE OF AUTHORIZED REPRESENTATIVE Mayor: [Signature]		31. SIGNATURE OF AUTHORIZED REPRESENTATIVE Mayor: [Signature]		32. SIGNATURE OF AUTHORIZED REPRESENTATIVE Mayor: [Signature]		33. SIGNATURE OF AUTHORIZED REPRESENTATIVE Mayor: [Signature]		34. SIGNATURE OF AUTHORIZED REPRESENTATIVE Mayor: [Signature]	
35. SIGNATURE OF AUTHORIZED REPRESENTATIVE Mayor: [Signature]		36. SIGNATURE OF AUTHORIZED REPRESENTATIVE Mayor: [Signature]		37. SIGNATURE OF AUTHORIZED REPRESENTATIVE Mayor: [Signature]		38. SIGNATURE OF AUTHORIZED REPRESENTATIVE Mayor: [Signature]		39. SIGNATURE OF AUTHORIZED REPRESENTATIVE Mayor: [Signature]		40. SIGNATURE OF AUTHORIZED REPRESENTATIVE Mayor: [Signature]	

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Standard Form 424 (Rev.9-2003)
Prescribed by OMB Circular A-102

INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form used by applicants as a required face sheet for pre-applications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item:	Entry:	Item:	Entry:
1.	Select Type of Submission.	11.	Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.
2.	Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).	12.	List only the largest political entities affected (e.g., State, counties, cities).
3.	State use only (if applicable).	13.	Enter the proposed start date and end date of the project.
4.	Enter Date Received by Federal Agency Federal Identifier number. If this application is a continuation or revision to an existing award, enter the present Federal Identifier number. If for a new project, leave blank.	14.	List the applicant's Congressional District and any District(s) affected by the program or project
5.	Enter legal name of applicant, name of primary organizational unit (including division, if applicable), which will undertake the assistance activity, enter the organization's DUNS number (received from Dun and Bradstreet), enter the complete address of the applicant (including country), and name, telephone number, e-mail and fax of the person to contact on matters related to this application.	15.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.	16.	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
7.	Select the appropriate letter in the space provided: A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School District I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify) O. Not for Profit Organization	17.	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
8.	Select the type from the following list: • "New" means a new assistance award. • "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. • "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. If a revision enter the appropriate letter: A. Increase Award C. Increase Duration B. Decrease Award D. Decrease Duration	18.	To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)
9.	Name of Federal agency from which assistance is being requested with this application.		
10.	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.		

CERTIFICATIONS

In accordance with the applicable statutes and regulations governing the consolidated plan the supplemental Appropriations Act, 2010, the City of Memphis certifies that:

- 1) The grantee certifies that it will affirmatively further fair housing, which means that it has or will conduct an analysis to identify impediments to fair housing choice within its jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard. (See 24 CFR 570.487(b)(2).)
- 2) The grantee certifies that it has in effect and is following a residential anti-displacement and relocation assistance plan in connection with any activity assisted with funding under the CDBG program.
- 3) The grantee certifies its compliance with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by part 87.
- 4) The grantee certifies that the Action Plan for Disaster Recovery is authorized under state and local law and that the grantee, and any entity or entities designated by the state, possess(es) the legal authority to carry out the program for which it is seeking funding, in accordance with applicable HUD regulations and this Notice.
- 5) The grantee certifies that it will comply with the acquisition and relocation requirements of the URA, as amended, and implementing regulations at 49 CFR part 24, except where waivers or alternative requirements are provided for this grant.
- 6) The grantee certifies that it will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.
- 7) The grantee certifies that it is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105 or 91.115, as applicable (except as provided for in notices providing waivers and alternative requirements for this grant). Also, each unit of local government receiving assistance from the grantee must follow a detailed citizen participation plan that satisfies the requirements of 24 CFR 570.486 (except as provided for in notices providing waivers and alternative requirements for this grant).
- 8) Each state receiving a direct award under this Notice certifies that it has consulted with affected units of local government in counties designated in covered major disaster declarations in the non-entitlement, entitlement, and tribal areas of the state in determining the method of distribution of funding.
- 9) The grantee certifies that it is complying with each of the following criteria:

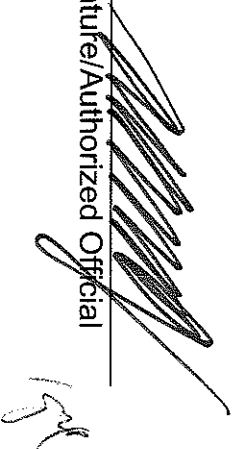
- a) Funds will be used solely for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization in areas affected by severe storms and flooding that occurred between March and May, 2010, for which the President declared a major disaster covering an entire State, or States with more than 20 counties declared major disasters, under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. 5121 et seq.).
 - b) With respect to activities expected to be assisted with CDBG disaster recovery funds, the Action Plan has been developed so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families.
 - c) The aggregate use of CDBG disaster recovery funds shall principally benefit low- and moderate-income families in a manner that ensures that at least 50 percent of the amount is expended for activities that benefit such persons during the designated period.
 - d) The grantee will not attempt to recover any capital costs of public improvements assisted with CDBG disaster recovery grant funds, by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless: (A) disaster recovery grant funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this title; or (B) for purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary that it lacks sufficient CDBG funds (in any form) to comply with the requirements of clause (A).
- 10) The grantee certifies that the grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601–3619) and implementing regulations.
- 11) The grantee certifies that it has and that it will require UGLGs that receive grant funds to certify that they have adopted and are enforcing:
- a) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and
 - b) A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location that is the subject of such nonviolent civil rights demonstrations within its jurisdiction.

12) The grantee certifies that it has the capacity to carry out disaster recovery activities in a timely manner. Any state receiving a direct award must certify that it has a plan to increase the capacity of any state grant recipient or administering entity that lacks such capacity.

13) The grantee certifies that it will not use CDBG disaster recovery funds for any activity in an area delineated as a special flood hazard area in FEMA's most current published flood advisory maps, unless it also ensures that the action is designed or modified to minimize harm to or within the floodplain, in accordance with Executive Order 11988 and 24 CFR part 55.

14) The grantee certifies that it will comply with applicable laws.

Signature/Authorized Official



Date

03-17-2011

Mayor, City of Memphis
Title